

Montana Appointee Handbook



GOVERNOR STEVE BULLOCK

December 2014

My Notes

The following is a short form you can fill out with the help of the staff at your board, or the Governor's office. This information will be helpful to know during your term of service. You can find much of this information at www.boards.mt.gov.

I serve the following Board, Council or Commission(s):

I serve the position(s) or qualification(s) of:

My Term Start Date is: _____

My Term End Date is: _____

Note that you may be asked to serve past your term end date, as the vast majority of members serve until reappointed or replaced.

My position is subject to Senate confirmation: YES / NO In Year: _____

My board is connected to this agency: _____

My staff contact is: _____

My board's website address is: _____

My appointment's authority is based in: MCA / Executive Order / Agency Order / Other

Website for Authority: _____

I filed an Oath of Office: YES / NO / Was not required

If asked to submit an oath of office, failure to do so will result in your replacement.

Other Notes:

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The Governor’s office would like to thank the Montana Office of Tourism and the Montana Tourism Advisory Council for use of their photos for this handbook.

NOTE: Blue text in the handbook signals a hyperlink to the information referenced (available in online version only).

This handbook serves as general guidance from the Governor’s Office to gubernatorial appointees. It summarizes public law and supplements any other more specific materials you may receive from the board. It is not meant to supersede state law, or answer every question. For specific legal interpretations or questions, please communicate with the employees assigned to your board.

By accepting appointment, you have committed to abide by all state laws and regulations. You have also agreed to abide by the policies, ethical standards and expectations set forth in this manual.

Message from the Governor and Lieutenant Governor



Dear Appointee:

Congratulations on your recent appointment! Thank you for your commitment to help us move Montana forward through effective governing.

As public officials, we pledge to work on behalf of Montanans. We put Montanans first. Together, we do the people's business and help continue to make Montana the best state in the nation in which to live, learn, raise our families and run a business.

With this appointment, you have accepted great responsibility and we have the highest expectations of you. We look forward to working with you as you provide your experience and expertise to the position you now serve in.

We want you to “be happy in your work.” It is our sincere hope that your experience serving the state of Montana is positive and rewarding.

We look forward to seeing the great work you do.

Sincerely,

A stylized, handwritten signature in blue ink, reading "Steve Bullock".

STEVE BULLOCK
Governor

A stylized, handwritten signature in blue ink, reading "Angela McLean".

ANGELA McLEAN
Lieutenant Governor



“Be Happy in Your Work”
Montana Attorney General Joe Mazurek
(1993-2001)

Gubernatorial Appointments – the Process

Applying - The Governor's office asks appointees (even incumbents seeking another term) to submit an application along with a letter of interest and a resume, biography or short summary of their work, education and community service experience. The application includes waivers that must be signed, to waive the right to privacy of your application documents, to allow any required background checks, to agree to abide by all rules and laws, and to attest that the information provided in your application is accurate. These waivers are final when you submit the application form. The application form also includes some optional personal demographic information that may or may not be required to determine your eligibility to serve, depending on the board or appointment. Incumbent appointees may ask for additional terms if not prevented by term limits, but must do so by contacting the Governor's office with an application form. Montanans interested in serving should visit www.boards.mt.gov to access the application form and additional information.

Application Review - The Governor's office takes the time to review all applications received to verify qualifications, to compile the applications and recommendations received and present them to the Governor for his consideration. Montana has over 200 boards, and over 2,000 positions, so this process takes time.

Decision - The Governor and his office reviews all openings, applications and recommendations before the Governor makes a final decision. There are many factors that go into the decision to appoint. Beyond ensuring that candidates possess applicable qualifications, the Governor is required by state law to ensure geographic, gender and racial diversity in appointments. Then finally, he assesses the makeup of the board and the particular background and dynamic that a new member may bring to the group as a whole. Applicants may be contacted by the Governor or his office at any point throughout the decision process.

Notification of Applicants – Upon the final decision, the Governor's office will contact the appointee, and when that person accepts appointment, the Governor's office will notify all remaining applicants of the final decision.

Announcement of Appointment - The Governor's office notifies the agency head, the staff at the board, and then publicly announces the appointment, closing the appointment process. Appointments are posted at: www.governor.mt.gov. Appointees may anticipate the possibility of being contacted by local media directly. If you are contacted, you are welcome to share information. If you have any questions, you can contact the Governor's office for assistance or further information.



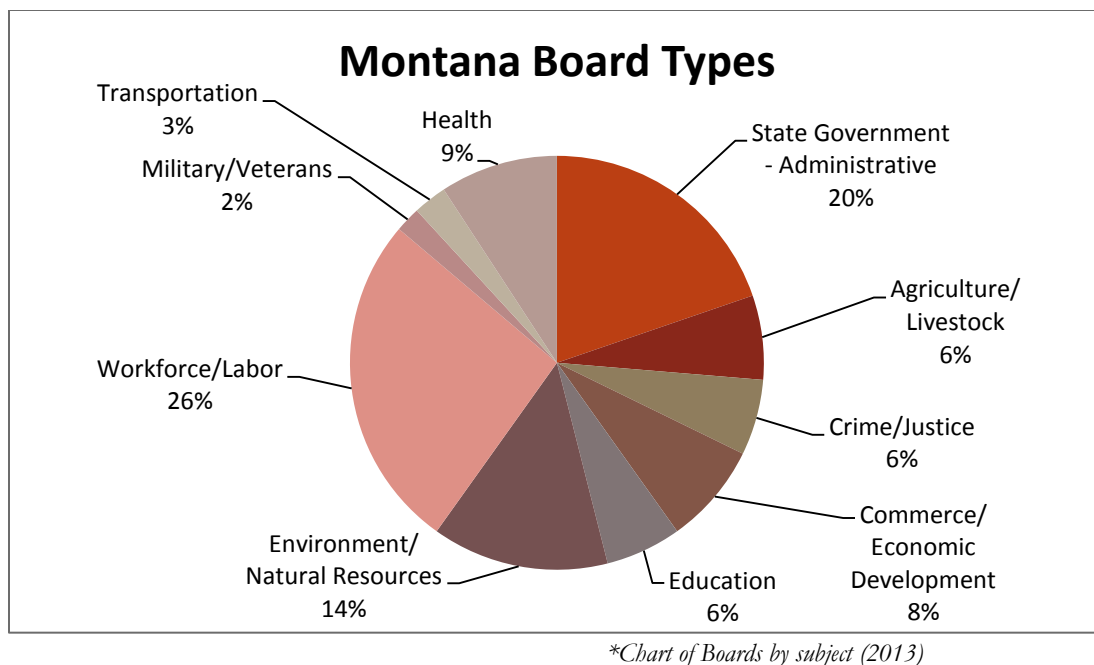
Montana's Boards – an Introduction

NOTE: From this point on, this handbook will refer to all Boards, Councils, Commissions, Teams, Task Forces, etc., simply as “Boards.” Individual Boards, Councils and Commissions all have different meanings, as defined in this handbook. It is important to know what type of entity you serve, to understand its authority and function.

Montana has gone through many changes since becoming a territory and then a state. Our government is now designed to offer many opportunities for public involvement.

In the Executive Branch, voters elect the Governor, who in turn appoints agency heads and makes thousands of gubernatorial appointments to citizen-led boards. The Governor is authorized by the Montana Constitution and statute [MCA 2-15-103](#) to be the Chief Executive Officer for the state. Subject to the Constitution and laws of the state, the Governor formulates and administers the policies of the Executive Branch, with full powers of supervision, approval, direction and appointment over all departments and units.

Montana's citizen-led boards help guide and operate various aspects of government and agencies. These boards are as varied as the state itself. Boards are involved with issues related to professional occupations, approving grants for communities, protecting Montana's children, and improving economic development opportunities in the state. They help Montana's departments and agencies develop policies affecting state employee benefits and bridging the gap between pay for women in the workforce.



As part of the Executive Branch of government, Montana's citizen-led boards help the state ensure yet another level of citizen engagement and participation in governing, thereby improving the performance of our state government.

Governor Bullock strives to appoint members who represent the diversity in Montana’s population and demonstrate balance for geography, ethnicity, gender, age and experience.

The complete listing of boards, their memberships and other information can be found online at www.boards.mt.gov.



Boards, Councils and Commissions

Every board is unique in its purpose, authority, membership and mission. As an appointee, you will need to become familiar with your particular board to understand its mission and the role you play.

Orientation materials should be provided by the staff assigned to your board, as well as any travel reimbursement forms. You are encouraged to request these and any necessary materials from your board staff.

Montana State Government – Montana’s Executive Branch is comprised of the Governor’s office, and the departments and agencies managing the various areas of state government. Examples include the Departments of Administration, Environmental Quality, Transportation, etc. Every board that is a part of the Executive Branch is connected to an agency that is also guided and directed by the Governor.

Creating Authority - State boards are created by statute, by executive order of the Governor, interstate agreements or an agency director’s order. Understanding the legal authority creating your board will help you better understand your role and the purpose for your board.

Types of Montana Boards – As mentioned previously, boards have different roles and responsibilities. Below are some common types of boards found in state government.

Quasi-Judicial Boards – Quasi-judicial boards are a specific type of board that makes independent decisions and are governed by unique legal requirements. Unless excluded by law, all quasi-judicial boards must have one member who is an attorney licensed to practice law in Montana. This person is not the board’s attorney, but a voting member with this specific background. The Governor appoints a majority of the board to serve terms concurrent with the Governor’s. The remaining members serve from the third year of the Governor’s term. All members of quasi-judicial boards are subject to Senate confirmation. The Governor selects the presiding officer from the boards’ membership, and has the discretion to change the presiding officer designation at any time. Members may only be removed from the board by the Governor for cause. Except for salaried officers or employees of the state, each member of the board is paid a stipend and travel expenses. Examples of quasi-judicial boards include the Fish and Wildlife Commission, Human Rights Commission and Coal Impact Board.

Advisory Councils – Advisory councils are created only to act in an advisory capacity, which means they furnish advice, gather information, make recommendations, and perform other necessary activities, sometimes to comply with federal funding requirements. They do not administer a program or set policy. Advisory councils can be created by statute, executive order of the Governor or by agency directors and elected officials. The Board of Public Education, Board of Regents of Higher Education, and the State Board of Education may also create advisory councils.

Advisory council members may receive a stipend in an amount determined by the department head, and are to be reimbursed for travel expenses, unless they are state employees. Unless specified, the council elects its presiding officer at its first meeting, and shall meet at least

annually on the call of the Governor or presiding officer or majority of members. A council may meet outside Helena with the express prior authorization of the creating authority.

Advisory Councils Created by Executive Order – The Governor may create advisory councils through Executive Order. When creating an advisory council, the Governor must provide a record showing the council’s name, its composition, its members, including their names and addresses, the council’s purpose, and the term of existence, which can be no longer than two years unless there are federal or financial requirements for it to exist longer. Advisory councils may be extended as many times as necessary.

Advisory Councils Created by Agency Directors or Elected Officials – The Attorney General, the State Commissioner of Securities and Insurance, the Secretary of State and the Superintendent of Public Instruction may create advisory councils. Subject to approval from the Governor, agency directors may also create advisory councils. Department directors and elected officials must also provide and file the same information as required for advisory councils by Executive Order.

Administratively Attached – All boards must be administratively attached to a department. Some boards must act under the direct authority of the agency; others have authority to make decisions independent of the agency. Agencies have responsibilities to boards administratively attached to them.

Allocation for Administrative Purposes Only – A board allocated to a department for administrative purposes only shall exercise its quasi-judicial, licensing and policymaking functions independently of the department. However, the department is responsible for directing and supervising the budgeting, recordkeeping, reporting, and related administrative and clerical functions of the board: this includes boards’ budgetary requests in the department’s budget, collecting all revenues, providing staff, printing and disseminating any required notices, rules or orders, and allocating office space to the board as necessary. As part of this responsibility, departments may provide guidance to boards and their members on issues such as the scope of decisions, capacity for decision making, protocol and other items. The agency head represents the board in communication with the Governor.

Board Authority – Each Board operates under specific responsibility granted by its creating authority.

Legal – As a board member, there are times you may be interpreting law for quasi-judicial decisions. You may request legal advice from a departmental legal counsel assigned to the board, and should act according to that advice, in order to keep the boards’ actions defensible by the state of Montana should any decisions be challenged.

Authority to Act – Authority is given to the board as a whole, not to individual members. The board, not individual members, sets policy, and regulates or advises the state. Its role is not to manage an agency or program.

Confidentiality – The Montana Constitution balances the right to know with the right to privacy. There will be times when you are privy to information, applications or complaints that require confidentiality. Keep confidential information confidential. Avoid discussing private

matters with friends, family or professional colleagues. Maintain the security of documents, printed and electronic, as advised by staff. Do not investigate matters by yourself.

Rule Making - Boards and their members conduct business of the state, often through rule making. Boards establish regulatory requirements through administrative rules that have the force and effect of law. For example, licensing boards have rulemaking authority that create rules for occupations and professions, including licensing requirements, fees, defining unprofessional conduct and setting rules for licensees to follow. Staff with your department will help your board navigate this process.



A Commitment to Serve

As a gubernatorial appointee you have accepted certain responsibilities. The state of Montana also has the responsibility to support boards and board members. Below is a summary of expectations for members, state agencies and the Governor's office.

Commitment of Appointees:

- I will work to serve the public interest.
- I will participate in all board meetings and hearings unless I have an unavoidable personal or professional conflict and in those cases I will let the staff know of my absence. If absence is frequent, I will work with the staff to identify solutions.
- I will act in the best interest of Montanans.
- I will maintain confidentiality where applicable.
- I will respect the public's right to participate in state government.
- I will bring concerns to the staff, agency and then Governor's office as appropriate for resolution.

Commitment of State Agencies:

- We will provide orientation and training to appointees, as needed.
- We will provide staff support, office support and meeting space as required by law.
- We will present board concerns and recommendations to our agency, other agencies and to the Governor, when applicable.
- We will respect appointees' time and efforts by providing as much notice of meetings as possible and keeping meetings pertinent to issues at hand.
- We will provide documents in a timely manner to allow members as much time as possible to review materials.

Commitment of Governor's Office:

- We will communicate concerns received from the public with appointees, when appropriate.
- We will give appointees the opportunity to express their opinions.
- We will offer appointees the opportunity to address complaints brought against them for removal.
- We will provide resources and information to assist in appointees' efforts to serve.
- We will allow applications for additional terms and consider recommendations for replacements when appropriate.

Being an Effective Public Servant

You are now serving the state of Montana. There are a few things to know, regardless of where you serve, that will help you be an effective board member. If at any point you feel you can no longer contribute meaningfully, please contact the Governor's office as we may have resources to assist or may be able to find a more appropriate board for you to serve given your current situation or interests.

Effective Public Servants:

- Serve the public interest.
- Perform your duties openly with the public.
- Attend meetings regularly.
- Are prepared.
- Communicate well.
- Have respect for others.

Service – You are serving the state of Montana and the public interest of Montanans should always be a top priority.

Open Government – Montanans expect openness and transparency in government. Your appointment, your contact information and the qualifications of your appointment are public record. Meetings, agendas and decisions made by your board are also public record. Treat the public with respect and honor their right to have access to the decision making process in Montana.

Attendance – Regular attendance is critical for boards function properly. You were appointed because the Governor believes you can provide a valuable voice to the state of Montana. Use that voice to advocate for Montana by attending meetings. Regular attendance will also keep you informed of current issues and ensure that all perspectives are considered. Most appointees are active members of their communities, and we understand some absences may be necessary from time-to-time, but frequent absence may be cause for replacement. The vast majority of boards do not allow for substitute members, so you cannot send a colleague in your place. For the few boards that provide for this option, be sure the staff is aware of your absence, and make sure your replacement is up to speed and knows that his or her voice and vote has the same authority as yours.

Preparation – As an appointee you are expected to be adequately prepared for the work at hand. The staff for the board you serve will provide information, reports, proposals and other information to help you make informed decisions. Some boards receive a lot of information, and may have a short turnaround to review the materials. You may also ask for additional information you might need to make thoughtful decisions.

You should know that you do not always need to be an expert on your particular subject when appointed. Most appointments involve a “learning curve” and some curves are more dramatic than others. We expect you to commit to learning the issues and understand that this process may not happen overnight. In other cases, you may have been appointed specifically because you bring a new perspective. There are times when you may have been asked to serve because we have

confidence that you will represent the public interest and will ask questions that may not be asked by a subject-matter expert. We expect you to bring your own perspective to your work and represent the public. And again, if you feel you do not have time to be adequately prepared or are not comfortable with the appointment, please contact us to determine next steps.

Communication – As an appointee, please keep your contact information current with the board staff and the Governor’s office. Also, stay in touch with your staff by returning phone calls, answering email or other communication to ensure your board work can be completed. If you are not able to participate in meetings or other work sessions, communicate with staff so they can plan meeting details accordingly. Your absence can affect the board’s ability to meet quorum requirements, wasting travel time and funds.

Staff Resources – State employees are assigned to help you and your board. Some boards will have staff exclusively assigned to assist you; others will have a pool of staff available to assist. The role of this staff is to carry out the rules, policies and programs developed, and they may communicate with you to set up meetings and events or inform you of issues pertinent to the board. They may prepare meeting materials, facilitate meetings and conduct research or other tasks.

It is important to remember that these employees are also serving our state. Some may have other responsibilities outside of your board. Help them do their job well by communicating with them. It is helpful to understand the differences between the responsibilities of your board and that of staff. Most frequently, your board provides overall guidance and the staff does the day-to-day work.

If you have concerns about your interactions with board staff, please attempt to resolve the issues directly with that person, their supervisor or the agency head, before contacting the Governor’s office.

Colleagues - The other members of your board were appointed for their experience; and they may have been appointed to bring a different viewpoint than you may hold. Governor Bullock expects lively debate and discussion, but also expects that all of the work be done in a respectful and professional manner. Your job is to serve the state, as is theirs. A board is in place to have debates, which sometimes have no easy solutions.

Judgment – When making decisions and serving the state of Montana, Governor Bullock expects you to use your best judgment. Examine all evidence before making decisions, communicate well, and act ethically. Consensus and compromise are often necessary in governing. Please be willing to be part of a team when making decisions as a board, and then be prepared to support the decision made by the board.

Montanans expect professional judgment from appointees serving the state. Follow professional ethics and codes and do not use your position to benefit yourself, your family or your profession. Remember, you serve the state, not your personal interests.

Appointment and Service

Oath of Office – All officers of the state of Montana take an oath of office before they enter the duties of their respective offices. This includes all board members, except those serving on advisory councils created by Executive Order or by agency heads. Failure to complete the oath of office triggers replacement of the member.

Senate Confirmation – All appointees to quasi-judicial boards and some additional boards require Senate confirmation. If an appointment is subject to Senate confirmation, the Governor’s office will submit your appointment to the Senate if currently in session or the next regular session following the appointment. A member starts serving upon appointment prior to Senate consideration. If the Senate does not confirm the appointment, the Governor must appoint a new member in that place.

Questions about which appointments require Senate confirmation can be answered by visiting our website or calling staff for your board. If you are subject to confirmation, the Governor’s office will submit your public application records and your contact information to the Senate. It is important to keep your contact information current with the Governor’s office.

The Governor’s office will do its best to notify you regarding progress during Senate confirmation, but ultimately this is a legislative process and legislators and their staff are in charge of communication with appointees regarding the confirmation process. The Legislature may or may not request your presence at a confirmation hearing.

Terms of Office – All boards have a specified term of office, with some having limits to the numbers of terms you may serve. At the expiration of the term, the Governor shall reappoint the member for an additional term or replace the individual with a new member. Members continue to serve until reappointed or replaced. It is up to board members to notify the Governor of their intent to seek an additional term or their preference to be replaced. Past service to a board does not guarantee an additional term.

Membership Changes – With every new Governor, and through terms in office, there are changes in membership to reflect new policies and priorities. Many boards also have term limits for members. Changes in membership and leadership are important for enhancing and developing future leaders for the state and bringing new perspectives to boards. As members come and go, it is important to pass along institutional knowledge and to listen to new perspectives.

It can be challenging to balance the needs of keeping institutional knowledge on a board with bringing in new perspectives and developing future leaders of the state. Long-serving members can ease this by helping new members as they learn the issues and tasks facing your board.

Compensation – Every board is unique in its ability to offer travel reimbursements and payment for service. A majority of boards will provide some kind of travel reimbursement, and some will provide a small stipend for a day’s work, though this amount will vary. When authorized to testify on a board’s behalf to the Executive or Legislative Branch, the member is acting in the performance of board duties and is entitled to compensation and reimbursement for travel. But when influencing the legislature or state government as a private citizen, a board member is not entitled to

compensation or travel reimbursement from the state. Please refer any questions in this area to the department director or agency legal counsel.

Resignations – If for any reason you need to resign your appointment, you must do so in writing to the person who appointed you. In most cases that is the Governor. Resignations may be submitted electronically. Resignations become effective 72 hours after receipt by the Governor. You may withdraw your resignation in writing within 72 hours of submission. Resignations may also be requested effective immediately or upon a specific date.

Removal – Per Montana Code Annotated 2-16-501, positions become vacant and the member is replaced if the following events occur:

- Death of the incumbent;
- Resignation becomes effective;
- Ceasing to be a Montana resident, or resident of the city, district or other location if required for your particular appointment;
- Ceasing to discharge the duty of the office for a period of three consecutive months, except when prevented by sickness; (members cannot be removed for absence due to health reasons.)
- Conviction of a felony or of an offense involving moral turpitude or violating your official duties;
- Refusing or neglecting to file the incumbent's oath of office;
- Removal by tribunal;
- Removal for lack of Senate confirmation (for appointments confirmed by Senate).



Board Business and Leadership

Quorum – A majority of membership typically constitutes a quorum, the number of members who must be present, which can be required to do business. Check statutes and rules for any quorum requirements. A favorable vote of at least a majority of all members is required to adopt any resolution, motion or action, unless otherwise provided by law.

Typical Meeting – Boards may differ, depending on issues at hand, although most will follow similar protocol and basic agendas as outlined below:

- Call to order
- Roll call – attendance
- Approval of previous minutes
- Reports of officers, director, staff, standing committees
- Cases or Action Items (unfinished business, new business)
- Public Comment
- Announcements
- Adjourn

Members – As a board member, your role is to discuss issues in a respectful manner. Unless serving as an ex-officio or non-voting member, you cast votes on matters in front of the board. Members take direction from their presiding officer.

Presiding Officer – Every board has a chair or presiding officer. In some cases the Governor selects that person and in others the board elects its own. Regardless of how selected, all chairs have similar responsibilities and duties. Chairs typically work directly with the staff to prepare the agendas and meeting schedules. The Chair runs the meetings, moves the agenda forward, and keeps members on the subject at hand. Chairs must balance their leadership role as members to participate, discuss issues, and vote with that of keeping the meeting moving. In consultation with agency legal counsel, the Chair may call for executive sessions when a person’s constitutional right to privacy outweighs the public’s right to know. Between meetings, the Chair reviews the meeting minutes and upcoming meeting materials.

Board Meeting Management Tips for Chairs:

- Time Management: You are responsible for keeping members and the public on schedule.
- Agenda: You are responsible for keeping members’ and the public’s comments to the approved agenda items and topics.
- Respectful: You are responsible for keeping comments, meetings and discussions respectful.
- Staffing: Staff may need assistance during a meeting as they take minutes or provide other services to the board.
- Open Meetings: You are responsible for asking attendees to introduce themselves when presenting information. Ask members and the public to state their name for the record when making motions or comments.
- Motions: You are responsible for advising members to clarify motions, when necessary.
- Rules: Many boards agree to abide by Roberts Rules of Order. If not Roberts Rules, it is your responsibility to help the board adhere to the rules established for order.

- Voting: General procedures usually include a motion, a second, discussion, and then a vote. Discussion must remain on the motion at hand.
- Recusal: If a presiding officer needs to leave early or has a conflict of interest, the officer may recuse the position, and assign it to a Vice Chair or other member as guided by rules.



Serving Montana – Public Participation

We ask that you always conduct your business in the public's interest. Below are some public laws and other items that may be helpful to you. They are only summaries, so for full descriptions and details, you will need to review the appropriate state laws.

Right of Participation – The Montana Constitution gives the public the right to expect government agencies to afford reasonable opportunities for citizens to participate in the operation of government before final decisions are made, as provided by law.

Right to Know – The Montana Constitution also guarantees that all individuals have the right to examine documents or observe deliberations of public bodies, except in cases where the demand of individual privacy clearly exceeds the merits of public disclosure. Documents should be made available to allow the public to make informed and constructive contributions to the decision.

Open Government Laws – Under Montana law, any meeting (as defined in MCA 2-3-203) is open to the public regardless of the nature of the issues being discussed, whether they are involving large policy issues or the smallest administrative acts.

Closing Meetings – In some instances, the right to individual privacy outweighs the public's right to know. Examples include some personnel reviews or meetings, medical case file reviews, or accusations of misconduct before occupational or licensing boards. In all cases, agency staff and attorneys will work with your Chair to determine what portions of a meeting are open to the public and what should be conducted in closed session.

Electronic Meetings – Meetings occur any time a quorum is present, and this includes meetings and decisions by teleconference and electronic means (email), so open meeting rules apply under these circumstances as well. Make sure to work with your staff if there are any questions about what items may be discussed by email. Keep in mind that your communications relative to board business may be requested as part of public records requests.

Meeting Notice – Forty-eight hours is generally considered minimally sufficient to notify the public of contemplated action, unless otherwise provided by law. Forty-eight hours should be a minimum window and all of Montana government should strive to give more notice, when practical. Under some circumstances including during Legislative Session, timing may necessitate shorter turnaround, but the meeting should be noticed as soon as possible. Agency staff will provide guidance and help in noticing meetings.

Interested Parties – All boards maintain current contact lists of interested parties, stakeholders and organizations who will receive notice of actions and meetings.

Agendas – Boards may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comments have been allowed on that matter. Any new items for discussion should not be added to an agenda during that meeting, but added to the next meeting's agenda.

Emergency Meetings – Emergency situations affecting public health, welfare or safety and to maintain or protect the interests of the state against legal action may require emergency meetings.

Accessibility – Meeting places should be easily accessible or otherwise provide accommodations for accessibility to meet ADA requirements.

Public Comment – Prior to a final agency decision of significant interest to the public, a board must afford a reasonable opportunity for public participation. This requires that notice be provided to the public of the meeting or hearing during which the issue will be discussed. The board must give the public an opportunity to submit its views on any matter on the meeting agenda, or within the board's jurisdiction. Board chairs, working with their staff, have the discretion to establish fair guidelines for accepting public comment.

Public Records – All Montana citizens have a right to inspect and acquire copies of public records.

Member Information Public – The member's name, address, telephone number, or email address and the member's term of office are posted online. The Governor's office also posts current and upcoming vacancies on boards to allow the public the opportunity to apply.

Negative Attention – Often in the course of being part of a deliberative body such as a board, council or commission, you may encounter organizations or individuals who are upset with a decision you made. They have the right to disagree with your decision and to let you know of their position. But if you ever encounter a situation where you feel threatened or concerned with the intensity of disagreement, make sure to contact the staff at your board or local law enforcement, as necessary.



Serving Montana – Ethics

Many of these ethics items are summarized from the State Human Resources Division's Standards of Conduct in Montana State Government Manual, from March of 2011.

All gubernatorial appointees must abide by the code of ethics and conduct outlined in state law.

When an appointee of a board with rulemaking authority is required to take official action on a matter in which the appointee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the appointee's influence, benefit or detriment in regard to the matter, the appointee shall disclose the interest creating the conflict prior to participating in the official action.

An appointee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm.

Gifts – You may not accept a substantial gift or economic benefit. Substantial gifts are generally valued at more than \$50. Economic benefit could include, for example, loans or services at or below market rate, or compensation to you for services above market rate. You should scrutinize gifts to determine if they are intended to exert influence regardless of value. You should not accept gifts that could give rise to the appearance of impropriety. There may be times that you will be given the opportunity to attend expense-paid conferences or seminars. Similarly you may be given educational materials that are related to your official duties. These types of benefits are permitted as long as they are directly related to your duties, and the benefits you receive are not lavish or extravagant.

Self-Dealing – You may not use confidential information acquired in your work for personal economic interests.

Disclosure – Members with rulemaking authority, who may have conflicts created by a personal or private interest that gives rise to the appearance of impropriety, must disclose the interest creating the conflict before participating in official actions.

Public Property for Private Business – A member may not use public time, facilities, equipment, supplies, personnel, or funds for private business purposes. This includes soliciting support for or opposition to any political committee, election of a person, and ballot issues. This is not to restrict your right to express your personal political views, but rather the use of state resources to do so.

Double Salary – Board members, who are state employees on state business, may not receive duplicate pay from the state of Montana for employment and a board responsibility.

Ethics Enforcement – A board member may be requested to resign if proof is provided that an appointee breached their public duty, and violation of ethical requirements may result in a members' termination from the board.

Legislative Communications

Each legislative session, board members raise questions about the role they may play in legislative policy and specific legislation that is germane to the legitimate purposes of their appointment, either as members of boards or as private citizens.

Governor as Chief Executive – The Governor is charged with formulating and administering the policies of the Executive Branch, including budgets, policies and priorities. The Governor’s responsibility extends to positions taken by board members who appear before the legislature. While a quasi-judicial board has independence in licensing and policymaking functions, independent of the department to which it is attached, as part of the executive branch, boards are accountable to the Governor for budgetary and legislative requests.

Coordination of Legislation – Coordinating within the Executive Branch is important to guarantee consistency of policy within the Executive Branch, and to help prevent conflict in the laws. Boards, like other agencies under the Executive Branch, must work through their agency and with the Governor.

Generally, boards become involved in supporting bills to correct program defects, fix statutory problems or ambiguities, resolve conflicts in the laws they administer, or generally make improvements to services.

Less frequently, boards become involved in bills of a more substantive or controversial nature. In these cases, a conflict may arise within one agency, or between Executive Branch agencies, at a policy or priority level with regard to legislation. On such occasions, the Governor is empowered to resolve the conflict and make a final decision.

Board Consensus – Before a board can take a position on a bill, it must provide proper public notice, allow opportunity for public participation, and take its position by passing a motion. Members of a board can vote to authorize positions “in concept,” rather than positions on specific legislation, in recognition of the need for flexibility during the rapid legislative process.

Executive Approval – Once the board passes a motion, it must next seek agency approval. The agency will then seek the Governor’s approval. This process is the same process used by departments when taking policy positions to the Legislature. The board is requested to proceed through the head of the agency to which the board is attached (usually a department director), who, if the Governor’s position is not known, will convey the request to the Governor’s office. Typically, the board chair or staff for the board will make the request.

Testifying – Board members should only give testimony that is factual, technical, and informative and has been approved by a majority of the board members. They should be sure to understand the board’s position so that legislators and the public do not receive conflicting messages, and fellow board members are not caught by surprise. If testifying at the legislature in the performance of board duties, a member of a quasi-judicial board is entitled to compensation and reimbursement for travel expenses.

There may be times when a member of a board does not agree with a position on legislation taken by a majority of the members. In such instances, a board member can appear on his or her own time to testify on his or her own behalf.

In all cases, when testifying, a board member should expressly state whether he or she is appearing as a private citizen or on behalf of the board or commission, which requires permission from their board or commission and the Governor's office.

Lobbying – Members of boards appointed by the Governor and confirmed by the Senate are exempt from the lobbyist disclosure laws, when acting in their official capacity. However, board staffs, (like other state employees) are subject to the lobbyist reporting requirements when they are engaging in activities in support of or in opposition to legislation.

Advisory Councils providing recommendations to Agencies – Advisory councils are established solely for the purpose of providing advice to the Executive Branch agency to which they are attached, and not for the purpose of legislative advocacy.

Before an advisory council can develop and approve reports and recommendations – whether to the Governor or to the agency to which the council is attached - the council must give proper public notice of its meetings and agendas and allow opportunity for public participation. An advisory council provides reports or recommendations by passing a motion as a Council, not individual members. Because advisory councils generally are not charged with advocating for or against legislation, an advisory council member desiring to advocate for or against legislation generally must do so as a private citizen on the member's own time and behalf.

With approval of the Governor's office, advisory council members may be authorized to testify in support of or against legislation that is within the advisory council's subject area. A request to the Governor's office for approval of an advisory council member to testify in support of or against legislation on the council's behalf requires a motion passed by the council and the request should be made through the department director to which the council is attached. The request for approval to testify can be made informally (e.g., agency staff can convey a request by telephone or e-mail to the department head, who in turn will communicate with the Governor's office) and should explain why the legislation is important to the council, the substance of the testimony, and how it would affect the advisory council's subject area.

Media Communications

As a public official, you commit to serve the state with honor and dignity. Know that what you do and say can reflect on the position you are in, the board you serve, your colleagues, and the state of Montana. You should expect that media may attend meetings and report on statements made and actions taken at meetings. Members of the media may also contact you directly about your appointment, decisions made by you or your board, or other issues.

Remember, as an appointee, you have the support of your staff. If members of the media are asking you about an issue, be sure to communicate that to your staff. The staff may or may not be aware of the issue getting public attention and may need to advise other board members, the agency head and the Governor of the issue.

Some quick tips:

- Always make sure that your interactions with members of the media are respectful.
- If you are unsure of an issue, how to answer or are uncomfortable speaking to the issue, you have the right to ask if you can have someone else (like staff) contact the reporter with further information.
- Work with your staff and the agency you work with on all media inquiries.
- Follow all confidentiality rules as they apply to your work.
- If you are speaking on the board's behalf, make sure you have the permission, vote and approval of the board to do so along with the context of the agreed upon response.



Additional Resources Available to You

This document and additional resources are available online by visiting “Member Resources” at www.boards.mt.gov.

Governor’s Office – The Governor’s office is available to assist you. You can contact us or find additional information and resources at www.governor.mt.gov. You may request a hard copy of this manual by contacting our office. A website specifically for boards, councils and commissions is available at www.boards.mt.gov.

State Agencies – Many of Montana’s state agencies and employees can assist you and help you be successful. Work with the staff assigned to your board, council and commission to obtain resources for your work. Your staff may also provide additional training and/or materials specific to your particular board. Find a listing of all state agencies at www.mt.gov

Montana State University Burton K. Wheeler Center – The Wheeler Center is a great resource for nonpartisan education and research on public policy issues. <http://www.wheelercenter.org/#>

Montana Code Annotated – Is available online at www.leg.mt.gov

Montana Legislature – Legislators, information on bill drafts, and hearing schedules are available at www.leg.mt.gov

Commissioner of Political Practices – The Commissioner’s website and the state’s ethics and public disclosure information is available at: <http://politicalpractices.mt.gov/default.mcp>

Administrative Rules – Are available online at: <http://www.mtrules.org/>

Secretary of State – The Secretary of State publishes recent and upcoming appointments. <http://sos.mt.gov/arm/boards/index.asp>

Ethics Guidelines – The Department of Administration publishes various guidelines and trainings for state employees that are also often applicable to board members. <http://hr.mt.gov/newresources/default.mcp>

In Conclusion

When you have questions about your appointment or duties as a public officer, please ask. This handbook is meant to be used as a quick reference, and is not designed to answer every scenario you may run into. If you have questions or need more information, your staff at the agency or the Governor's office is here to help.

The state of Montana has more than 200 boards, councils and commissions. With over 2,000 members currently appointed to serve, you are not alone. We ask that you respect the position you have been entrusted with. We also want you to enjoy your service, so let us know how we can help you.

The Governor's office would like to thank the Montana Office of Tourism and the Montana Tourism Advisory Council for use of the photos for this handbook. We also thank the state employees who brought their experience and knowledge to this handbook.

Finally we would like to thank the many, many Montana public servants who are serving as elected officials, agency directors, state employees, and board members who have served in the past, are serving currently, or are volunteering to serve in the future.

We all know how fortunate we are to live in the great state of Montana, and our citizen-led boards continue to help make it better every day. Do your part, and let's help make a difference for years to come!

With you in service,



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Montana Appointee Handbook



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